

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

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**AKIL CARTER; et al.,  
PLAINTIFFS,**

**v.**

**Case No. 19-CV-1422-JPS**

**CITY OF WAUWATOSA; et al.,  
DEFENDANTS.**

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**PLAINTIFFS' MOTION TO EXTEND TIME TO FILE RESPONSE TO  
THE DEFENDANTS' SUMMARY JUDGMENT MOTION SEPTEMBER  
17, 2021**

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NOW COME the Plaintiffs, through their Counsel, Joy Bertrand, to move this Court to extend the time to file Plaintiff's response to Defendant's Motion for Summary Judgment for two days to September 17, 2021. As further grounds therefore, they submit:

September 15, 2021 currently is due date to file a Response to the Defendants' Summary Judgment Motion and a Reply in Support of their own Motion for Partial Summary Judgment.

On September 15, 2021, at 3:30 P.M. in Milwaukee, Undersigned Counsel emailed Defense Counsel to ask if she would stipulate to extending the time for the Plaintiffs to submit their summary judgment

responses for one day. Plaintiff's Counsel noted in the email that she was waiting to pick up her dog, who was finishing Day Three of Three of initial cancer treatment. Plaintiff's Counsel was not sure what might develop that evening, but the vet wanted Counsel to plan to stay close by when they got home. Undersigned Counsel also left a phone message for Defense Counsel at her firm, but did not receive a call back.

Plaintiff's Counsel now submits this Motion, having finally returned home, after being stranded in the veterinarian's parking lot. Plaintiff's Counsel picked up her dog at the end of her treatment day and as the clinic was closing. She loaded her dog into the truck, got into the driver's seat, and turned the ignition. Nothing except the "check engine" light came on. Plaintiff's Counsel was initially able to call OnStar from the car. Then the truck's electrical system failed and she was knocked off the call with OnStar. OnStar reached her via her cell and arranged to have her vehicle towed to a repair shop.<sup>1</sup>

Plaintiff's Counsel then sat and waited in 102-degree heat, in a desolate area of northern Phoenix, with her recovering dog, no wifi, and

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<sup>1</sup> Proof of the OnStar communication regarding the tow truck dispatch is attached to this Motion.

no electricity for the tow truck and her fiancé to arrive. She files this Motion upon their return home.

Given this unexpected event and the potential additional delays that may now continue into tomorrow, Plaintiff's Counsel asks this Court to extend the time to file the Plaintiffs' summary judgment pleadings to September 17, 2021. The Plaintiffs would agree to an additional two days for the Defendants to file their Reply, as well.

As of the filing of this Motion, Plaintiff's Counsel has not received the Defendants' position on this Motion.

The Plaintiffs submit that the events detailed above constitute extraordinary, wholly unexpected circumstances that support this brief extension.

The Court will find attached a proposed Order.

Respectfully submitted this Fifteenth day of September, 2021.

s/Joy Bertrand

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